

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Bradley Smith,
Plaintiff,
v.
United States of America,
Defendant.

Case No.: 2:13-cv-039-JAD-GWF

Order Granting Defendant's Motion to Dismiss [Doc. 27]

Plaintiff Bradley Smith originally sued the United States Government on a number of legal theories alleging that, during his employment with the Government, his supervisor's hostile treatment induced him to attempt suicide. *See* Doc. 1. The government moved to dismiss Smith's allegations on the basis that all of his claims were subject to administrative exhaustion and that Smith had failed to exhaust his administrative remedies. Doc. 8. I granted the government's motion but permitted Smith leave to amend his complaint if he could cure the deficiencies identified in my order. Doc. 23. Smith then filed an amended complaint, and the government now moves to dismiss it. Doc. 27. I find that Smith's amended complaint fails to adequately remedy the defects outlined in my prior order.

Smith's new allegation that the V.A. Office of Resolution Management, the Office of Special Counsel informed him that the agency lacked jurisdiction over his claims is without context, and the agency letter attached to his complaint as support for this point does not corroborate his allegation; rather it states that Smith failed to take actions that would provide the agency with jurisdiction. *See* Doc. 24 at 44-48. Smith's failure to take predicate administrative steps leaves this court without jurisdiction over his claims. The government's motion to dismiss is granted.

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1 Accordingly, it is **HEREBY ORDERED** that the United States' Motion to Dismiss
2 [Doc. 27] is **GRANTED**. Plaintiff's claims are dismissed, and the Clerk of Court is
3 instructed to close this case.

DATED: September 2, 2014.

JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE